
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 468

The Debt Arrangement Scheme (Scotland) Regulations 2004

PART 5

APPROVAL OF DEBT PAYMENT PROGRAMMES

Discretionary conditions

30.—(1) A debt payment programme on approval under regulations 25, 26 or 27, or approval of a variation under regulation 39, may be made subject to one or more of the conditions specified in paragraph (2).

- (2) A specified condition is that the debtor shall—
- (a) realise, and distribute amongst the creditors the value of, an asset of the debtor other than an asset excepted by paragraph (3);
 - (b) sign and deliver a payment instruction to an employer;
 - (c) seek agreement from a creditor to pay a continuing liability under regulation 34;
 - (d) complete, and submit when due, a tax or duty return or declaration;
 - (e) maintain an emergency fund in accordance with paragraph (4); or
 - (f) be bound by any other reasonable condition intended to secure completion of the programme.
- (3) An excepted asset is—
- (a) a dwellinghouse or mobile home occupied by a debtor as the debtor's home;
 - (b) an asset that is exempt from attachment under section 11 (articles exempt from attachment) of, or that is not a non-essential asset under schedule 2 (non essential assets) to, the Act.
- (4) In respect of an emergency fund, the debtor shall—
- (a) make payments at the rate specified by the DAS administrator, into an account designated by the administrator for the purpose of the fund; and
 - (b) make no payment from the fund other than a payment for—
 - (i) an emergency repair as specified in paragraph (5); or
 - (ii) an essential requirement of the debtor or an immediate family member who is maintained by the debtor.
- (5) An emergency repair is one required to maintain—
- (a) a dwellinghouse occupied by the debtor in wind and water tight condition;
 - (b) in reasonable working order any item that is not a non-essential asset for the purpose of Schedule 2 of the Act;
 - (c) a vehicle required by the debtor for travelling to work, or other essential purpose.